

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMAS YAN,

Appellant,

v.

CRYSTAL LEI, et al.

Appellees.

Case No. [11-cv-01814-RS](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The lengthy history of these proceedings, involving numerous related case dockets in this court, is reflected in the record and will not be recounted here. At this point, the issue is the failure of Demas Yan to pay sanctions in the amount of \$35,004.71, awarded by the Ninth Circuit to Crystal Lei, Wei Suen, Bryant Fu, and Stella Hong Chen for Yan’s filing of a frivolous appeal. The assigned magistrate judge addressed Crystal Lei’s motion for an order finding Yan in civil contempt and issuing sanctions for his failure to comply with prior orders and his failure to appear for a judgment debtor’s examination on September 25, 2019, despite an express order to do so. Mr. Yan did not oppose the motion or otherwise contact the court.

The magistrate judge issued a Report and Recommendation stating:

For the reasons stated above, the Court recommends that the district court judge grant Ms. Lei’s application for civil contempt in its entirety and issue an order:

- (1) compelling Mr. Yan to appear at a judgment debtor’s examination;

(2) directing Mr. Yan to, within 10 days of the order, sign IRS Form 4506 requesting that the IRS send copies of Mr. Yan's tax returns for the years 2014-2018 directly to Mr. Healy;

(3) directing Mr. Yan to, within 10 days of the district court's order, produce all documents requested pursuant to the subpoena served concurrently with the Order of Examination;

(4) adopting and expanding the Court's February 2018 Sanction Order, (Dkt. No. 83), to monetarily sanction Mr. Yan daily until he fully complies with the order to produce his official tax returns for the years 2014-2018;

(5) directing Mr. Yan to pay the reasonable attorney fees incurred in connection with the instant motion in the amount of \$2,500; and

(6) warning Mr. Yan that refusal to comply with the order will result in further sanctions and possible incarceration.

Despite having not responded to the underlying motion, Yan filed an objection to the Report and Recommendation. The objection contends Yan in fact previously complied with his obligation to produce documents. The argument comes too little, too late, and is not persuasive. If Yan in fact previously produced all the relevant documents, he will have no trouble in complying with the other provisions of this order.

Yan's further argument that he cannot appear for a debtor's examination because he is subject to a state court restraining order prohibiting contact with certain of the other parties is frivolous. Yan must appear for the examination before counsel as directed. In the event any other parties elect to attend, they would not be able to charge Yan with violating the restraining order.

The magistrate judge's Report and Recommendation is adopted in full. Yan shall comply with each of the six numbered provisions set out above.

IT IS SO ORDERED.

Dated: January 15, 2020



RICHARD SEEBORG
United States District Judge

United States District Court
Northern District of California